

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: HARVEY HALBERT AUTEN
Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE

Movant

vs.

HARVEY HALBERT AUTEN
Respondent(s)

CHAPTER 13

CASE NO: 5-20-00578-RNO

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on January 25, 2021, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on August 11, 2020.
2. A hearing was held and an Order was entered on November 4, 2020 denying confirmation of amended plan.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

eMail: amchale@pamd13trustee.com

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CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-20-00578-RNO

NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

This hearing will be held telephonically
using Courtcall.

Date: March 3, 2021

Time: 09:30 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: January 25, 2021

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HARVEY HALBERT AUTEN

CASE NO: 5-20-00578-RNO

Respondent(s)

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on January 25, 2021, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

ROGER MATTES, JR, ESQUIRE
UPRIGHT LAW, LLC
324 NORTH WASHINGTON AVE
SCRANTON, PA 18503-1578

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

HARVEY HALBERT AUTEN
1791 EASTON TURNPIKE
LAKE ARIEL, PA 18436

Served by 1st Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: January 25, 2021

Respectfully,
Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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Debtor(s)	CHAPTER 13
CHARLES J. DEHART, III	
CHAPTER 13 TRUSTEE	
Movant	
HARVEY HALBERT AUTEN	CASE NO: 5-20-00578-RNO
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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.